

REMARKS

Applicant has carefully reviewed the Office Action dated May 1, 2008. In the specification, paragraphs [0002], [0009], [0021], [0043], [0048], [0057] and [0070] have been amended to correct minor typographical errors. Applicant has amended Claims 1-4, 6, 9-10, 12-14, 17-19, and 21-23 to more clearly point out the present inventive concept. Claims 8, 15, and 16 have been canceled. Claims 1-7, 9-14, and 17-23 are currently pending. Reconsideration and favorable action is respectfully requested.

Claims 1-11, 12-21, and 22 have been rejected under 35 U.S.C. 101 because the Office Action alleges that the claims are directed to non-statutory subject matter. Regarding Claim 1, the Office Action indicates the claim deals with a “system” that contains a “decision group” and a “model base” and asserts that the “decision group” and “model base” are “not structural elements or structures.” Applicant has amended Claim 1 to change the phrase “first decision group” to “first decision group server.” Further Applicant has amended Claim 1 to change the phrase “a model base” to “a decision tool component including a model base.” Similar amendments as those made to Claim 1 have been made to Claim 22. Support for the amendments made to Claims 1 and 22 may be found in at least Fig. 1 and paragraph [0018]-[0023] and [0080] of the specification as originally filed. In view of the foregoing, Applicant respectfully submits that Claim 1 as amended includes structural elements and requests that the 35 U.S.C. 101 rejections of Claims 1-7, 9-11, and 22 be withdrawn.

Claims 12-14 and 17-21 are directed to a method and as such are not required to include structural elements. Applicant respectfully requests that the 35 U.S.C. 101 rejections of Claims 12-14 and 17-21 be withdrawn.

Claims 12-21 and 23 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Regarding Claims 13-21, the Office Action indicates that Claims 13-21 which call for “The method of claim 11” are vague since “Claim 11 is a system claim which is part of system claim 1.” Applicant has amended Claim 13, 14, 17, and 21 to be dependent upon method Claim 12. Regarding Claim 12, the Office Action asserts that it is not clear what is meant by the phrase

“applying the selected model by the expert” because it is asserted that it is not clear what is being done. The Office Action further indicates that the term “decision analysis results” lacks antecedent basis. Applicant has amended Claim 12 to include the features of “applying the selected model by the expert assigned to the first decision group to produce decision analysis results,” “reporting the decision analysis results,” and “aggregating the decision analysis results to generate aggregated decision analysis results.” Applicant respectfully submits that the amendments made to Claim 12 clarify that applying the selected model by the expert assigned to the first decision group produces decision analysis results, and further provides antecedent basis for the term “decision analysis results.”

Claims 12 and 23 have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the MCDM article entitled “Excellent for Service Level, Change, and Risk Management” (hereinafter “the MCDM Article”). Applicant has amended Claim 12 to include the feature of “selecting one or more models from a model base by the first decision group, the model base including models representing multi-criteria decision analysis and Bayesian analysis techniques” (emphasis added). Applicant has amended Claim 23 to include the feature of “selecting one or more models from a model base by the service management decision group, the model base including models representing multi-criteria decision analysis and Bayesian analysis techniques” (emphasis added). Support for the amendments made to Claims 12 and 23 may be found in at least paragraphs [0021], [0047], [0057], [0067]-[0080]; Fig. 1; and Claims 15-16 of the application as originally filed. Applicant respectfully submits that the MCDM Article fails to teach or suggest the aforescribed features of Claims 12 and 23. The MCDM Article appears to describe choosing a selected multi-criteria decision model (MCDM) from a MCDM model base and using the selected MCDM model in a decision-making process. Applicant submits that the MCDM model does not teach or suggest selecting a model from a model base that includes models representing both multi-criteria decision analysis and Bayesian analysis techniques as claimed. In view of the foregoing, Applicant respectfully requests that the 35 U.S.C. 102(b) and 103(a) rejections of Claims 12 and 23 be withdrawn.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/HAMK-26,430 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants

/Gregory M. Howison Reg. #30646/
Gregory M. Howison
Registration No. 30,646

GMH/mep
P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
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